

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE ESTATE OF	:	CASE NO. C-1-01-769
ROGER D. OWENSBY	:	
	:	Judge Spiegel
Plaintiff	:	
-vs-	:	
CITY OF CINCINNATI, et al.,	:	<u>DEFENDANT CITY OF</u>
	:	<u>CINCINNATI'S MOTION</u>
Defendants.	:	<u>FOR EXTENSION OF TIME</u>
	:	<u>TO FILE MEMORANDUM IN</u>
	:	<u>OPPOSITION TO MOTION</u>
	:	<u>FOR SUMMARY JUDGMENT</u>
	:	

Now come Defendants City of Cincinnati and Chief Streicher, Officer Brian Brazile, Darrin Sellers (collectively referred to as the "City") and hereby move the Court for an extension of time in which to file a Memorandum in Opposition to Motion for Summary Judgment. The reasons are set forth below in the Memorandum in Support.

MEMORANDUM IN SUPPORT

F.O.P. Attorney, Don Hardin, has asked Plaintiff's counsel for a one week extension in which to file a Memorandum in Opposition to Motion for Summary Judgment due to the fact that he has been indisposed due to a death in his family. The City and Mr. Hardin intend to file a Joint Memorandum in Opposition to Motion for Summary Judgment. Although the City could prepare and file its portion of the Memorandum in Opposition by the due date of February 26, 2004, it would make no sense to do so without Mr. Hardin's portion of the Memorandum

being complete. The City's counsel has requested an extension from Plaintiff's counsel for this same reason but Plaintiff's counsel, Paul Martins, has refused, stating that he has heard no reason from the City for needing an extension.

Therefore, the City respectfully requests this Court for a one week extension in which to file a Joint Memorandum in Opposition to Motion for Summary Judgment. The due date for the Joint Memorandum in Opposition to Motion for Summary Judgment would then be: March 4, 2004.

Respectfully submitted,

JULIA L. McNEIL (0043535)
City Solicitor

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Trial Attorneys for Defendant City of
Cincinnati

**CERTIFICATE OF SERVICE
BY ELECTRONIC FILING**

I hereby certify that on February 20, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record listed below.

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